

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JONATHAN JOHNSON,

Plaintiff,

**9:14-cv-811
(GLS/DEP)**

v.

RICHARD ADAMS et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Johnathan Johnson
Pro Se
89-A-1042
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

FOR THE DEFENDANTS:

Hon. Eric T. Schneiderman
New York State Attorney General
Main Place Tower
350 Main Street
Suite 300A
Buffalo, NY 14202

DAVID J. SLEIGHT
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report

and Recommendation (R&R) by Magistrate Judge David E. Peebles, duly filed on July 25, 2016. (Dkt. No. 54.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

Plaintiff *pro se* Jonathan Johnson filed objections to the R&R. (Dkt. No. 55.) In that filing, Johnson confusingly alleges that the R&R contains misstatements of fact and that its recommendation as to defendants Richard Adams and Patrick Johnston is contrary to *Grullon v. City of New Haven*, 720 F.3d 133 (2d Cir. 2013), and *Chavis v. Chappius*, 618 F.3d 162 (2d Cir. 2010). (Dkt. No. 55.) Johnson's objections are conclusory and/or irrelevant. The objections, to the extent they are deserving of *de novo* review, see *Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *6-7 (N.D.N.Y. Jan. 18, 2006), are rejected for precisely the reasons articulated in the R&R. The R&R is otherwise free from clear error, *id.* at *6, and is therefore adopted.

ORDERED that the Report and Recommendation (Dkt. No. 54) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motions for summary judgment (Dkt. Nos. 43, 48), are **GRANTED**; and it is further

ORDERED that the complaint (Dkt. No. 4) is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with this court's Local Rules.

IT IS SO ORDERED.

November 8, 2016
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge